

**Subpart 415.3—Source Selection****415.303 Responsibilities.**

The head of the contracting activity (HCA) is authorized to appoint an individual other than the contracting officer as the source selection authority.

**415.305 Proposal evaluation.**

HCAs are responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team.

**Subpart 415.4—Contract Pricing****415.404-4 Profit.**

(a)(1) USDA will use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions when price negotiation is based on cost analysis.

(2) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.404-4(d) when analyzing profit for these contracts or actions:

- (i) Architect-engineer contracts;
- (ii) Construction contracts;
- (iii) Contracts primarily requiring delivery of material supplied by subcontractors;
- (iv) Termination settlements; and
- (v) Cost-plus-award-fee contracts;
- (b) Unless otherwise restricted by contracting activity procedures, the Contracting Officer may use another Federal agency's structured approach if that approach has been formalized and is maintained as part of that Agency's acquisition regulations (*i.e.*, included in that Agency's assigned chapter of Title 48 of the Code of Federal Regulations).

(c) The HCA is responsible for establishing procedures to ensure compliance with this subpart.

**Subpart 415.5—Preaward, Award, and Postaward Notifications, Protests and Mistakes****415.570 Post-award conference.**

If a postaward conference is necessary, the contracting officer shall insert clause 452.215-73, Post-Award Conference.

**Subpart 415.6—Unsolicited Proposals****415.604 Agency points of contact.**

HCAs are responsible for establishing procedures to ensure compliance with the requirements of FAR 15.604.

**415.606 Agency procedures.**

HCAs are responsible for establishing the procedures for control of unsolicited proposals required by FAR 15.606(a) and for identifying the contact points as required by FAR 15.606(b).

EFFECTIVE DATE NOTE: At 64 FR 52674, Sept. 30, 1999, part 415 was revised, effective Nov. 29, 1999. For the convenience of the user, the text remaining in effect until Nov. 29, 1999, is set forth as follows:

**PART 415—CONTRACTING BY NEGOTIATION****Subpart 415.1—General Requirements for Negotiation**

Sec.

415.103 Converting from sealed bidding to negotiation procedures.

**Subpart 415.4—Solicitation and Receipt of Proposals and Quotations**

415.406 Preparing requests for proposals (RFP's) and requests for quotations (RFQ's).

415.406-1 Uniform contract format.

415.407 Solicitation provisions.

415.408 Issuing solicitations.

415.411 Receipt of proposals and quotations.

415.413 Disclosure and use of information before award.

415.413-2 Alternate II.

**Subpart 415.5—Unsolicited Proposals**

415.504 Advance guidance.

415.506 Agency procedures.

**Subpart 415.6—Source Selection**

415.607 Disclosure of mistakes before award.

415.608 Proposal evaluation.

415.612 Formal source selection.

**Subpart 415.9—Profit**

415.902 Policy.

**Subpart 415.10—Preaward, Award, and Postaward Notifications, Protests and Mistakes**

415.1070 Post-award conference.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.